

**REMARKS/ARGUMENTS**

**I. Introduction:**

Claims 1, 21, 26, 29, and 30 are amended herein. Claims 1-30 are currently pending.

**II. Claim Rejections – 35 U.S.C. 101:**

Claim 29 has been amended to specify a computer-readable medium storing computer-executable instructions. As amended, claim 29 is believed to comply with the requirements of 35 U.S.C. 101.

**III. Claim Rejections – 35 U.S.C. 112:**

Claim 26 has been amended to replace “may” with “is permitted to”. As amended, claim 26 is believed to comply with the requirements of 35 U.S.C. 101.

**IV. Claim Rejections – 35 U.S.C. 102 and 103:**

Claims 1-13, 15-19, and 21-30 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,020,143 (Zdan).

Claim 1 is directed to a hierarchical traffic management system comprising at least one traffic management node. The node includes a classifier and a queuing system. The queuing system comprises a plurality of queues and is operable to apply scheduling policies to traffic streams. The queues each comprise enqueue attributes configured to control a depth of the queue and dequeue attributes configured to control scheduling of the queue. Claim 1 has been amended to clarify that the plurality of queues define a queue hierarchy with each layer of the queue hierarchy configured to support one or more priority queues and is associated with a class, logical interface, or

physical interface, and specify that only one queue within a branch of the queue hierarchy is a priority queue.

Zdan discloses a system and method for differentiated queuing in a routing system. The method includes allocating a message block header for a packet, the header used to queue and route the packet to a differentiated services network domain in a manner that ensures a specific QoS.

Zdan does not disclose a queue hierarchy, wherein each layer is configured to support one or more priority queues and is associated with a class, logical interface, or physical interface, and only one queue within a branch of the hierarchy is a priority queue. In rejecting claim 2, for example, the Examiner refers to col. 6, lines 45-67 describing a scheduling system hierarchy. This section of the patent describes a classifier 220, meter 230, and queuing block 240 included in a router 110. As shown in Fig. 5. the queuing block includes a queuing manager, a plurality of queues includes an expedited forwarding queue, assured forwarding queue, and a best effort queue. The queuing manager selects a queue based on how the packet is marked. The queuing block also includes three egress queues, each having a different priority. In contrast to applicants' claimed queue hierarchy, Zdan simply discloses a queue manager, a plurality of queues selected based on type of services specified in packet, and prioritized egress queues. Zdan does not disclose a queue hierarchy comprising layers each configured to support one or more priority queues, and associated with a class, logical interface, or physical interface.

Accordingly, claim 1 as amended, is submitted as patentable over Zdan.

Claims 2-20, depending either directly or indirectly from claim 1 are submitted as patentable for at least the same reasons as claim 1.

Claims 21, 29, and 30 have been amended and are submitted as patentable for at least the reasons set forth above with respect to claim 1. Claims 22-28, depending either directly or indirectly from claim 21, are submitted as patentable for at least the same reasons as claim 21.

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The other references cited including U.S. Patent No. 6,940,864 (Abdelilah et al.) and U.S. Patent No. 6,721,796 (Wong), do not overcome the deficiencies of the primary reference.

V. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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